

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 16976-AG18-0409-055

IN THE MATTER OF:

Jacqueline J. Mitchell
1100 S. Lakeview Dr.
Brazil, IN 47834

Respondent.

Type of Agency Action: Enforcement

License Number: 2387720

FILED

DEC 17 2018

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance ("Department"), by its counsel Erica J. Dobbs, and Jacqueline J. Mitchell ("Respondent"), a licensed resident insurance producer, signed an Agreed Entry which purports to resolve all issues in the above-captioned matter and which has been submitted to the Commissioner of the Indiana Department of Insurance ("Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, which levies a one thousand five hundred dollar (\$1,500) civil penalty against Respondent and places Respondent on probation for two (2) years for transposing four (4) signatures onto a Road Maintenance Agreement, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry, attached, as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner as follows:

1. Respondent shall pay a civil penalty of one thousand five hundred dollars (\$1,500) to the Department, within thirty (30) days of the date of this Final Order.
2. Respondent shall be placed on probation for two (2) years, beginning the date of this Final Order.
3. During the probationary period, any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Respondent's license.

ALL OF WHICH IS ORDERED this 17 day of December, 2018.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Jacqueline J. Mitchell
1100 S. Lakeview Dr.
Brazil, IN 47834

Charles Hiltunen
By email: chiltunen@me.com

Erica Dobbs, Attorney # 30588-49
ATTN: Jonathan Handsborough, Title Division Director
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

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STATE OF INDIANA
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AGREED ENTRY

This Agreed Entry is executed by the Indiana Department of Insurance ("Department"), by counsel, Erica J. Dobbs, and Jacqueline J. Mitchell ("Respondent"), a licensed resident insurance producer, to resolve all issues in the above captioned matter. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance ("Commissioner").

WHEREAS, Respondent is a licensed resident insurance producer holding license number 2387720 since February 12, 1994;

WHEREAS, in December, 2017, Respondent, as part of her employment, became involved in a real estate transaction for property located on a private road not maintained by the county highway department;

WHEREAS, on or about January 9, 2018, an underwriter for Veterans United Mortgage Company ("Mortgage Company") notified Respondent that the Mortgage Company would need

a Road Maintenance Agreement ("Agreement") signed by the neighbors of the property being purchased;

WHEREAS, Respondent prepared an Agreement and provided it to the Realtor involved in the sale ("Realtor") to obtain the neighbors' signatures ("Agreement A");

WHEREAS, the neighbors refused to sign Agreement A;

WHEREAS, Respondent then prepared a modified Agreement and provided it to the Realtor ("Agreement B");

WHEREAS, the neighbors signed Agreement B;

WHEREAS, on January 22, 2018, the day the real estate transaction was scheduled to close, the Mortgage Company informed Respondent that Agreement B was unsatisfactory and Agreement A, signed by four (4) neighbors and the buyer, would be required;

WHEREAS, Respondent copied four (4) signatures previously obtained on Agreement B onto Agreement A without the signers' consent, with the intention of presenting the same to the Mortgage Company;

WHEREAS, a copy of Agreement A containing the four (4) transposed signatures was then presented by one of Respondent's employees to another neighbor ("Complainant"), potentially misleading that neighbor into believing his fellow neighbors had signed the Agreement, and Complainant's signature was requested on the document;

WHEREAS, Respondent's conduct is a violation of Indiana Code § 27-1-15.6-12(b)(8), which states, in part, that the Commissioner may levy a civil penalty against an insurance producer and/or place an insurance producer on probation, for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere; and

WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve their differences and settle their issues without the necessity of a hearing.

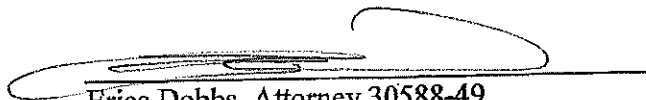
IT IS, THEREFORE, NOW AGREED by and between the Parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Parties in this administrative action.
2. This Agreed Entry is executed voluntarily by the Parties.
3. Respondent voluntarily and freely waives the right to a public hearing in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent has carefully read and examined this agreement and fully understands its terms.
6. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
7. Respondent agrees to pay a civil penalty in the amount of one thousand five hundred dollars (\$1,500) to the Department within thirty days (30) after the Commissioner signs the Final Order approving this Agreed Entry.
8. Respondent shall be placed on probation for two (2) years, beginning the day the Commissioner executes the Final Order adopting this Agreed Entry. During the probationary period, any violations of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Respondent's license.
9. The Department agrees to accept Respondent's compliance with this agreement herein as full satisfaction of this matter.
10. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not

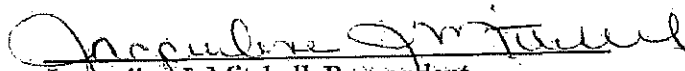
unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.

11. Respondent is aware that failure to comply with any term of this agreement will result in the matter being set for hearing.

12/17/18
Date Signed


Erica Dobbs, Attorney 30588-49
Indiana Department of Insurance

12.14.18
Date Signed


Jacqueline J. Mitchell, Respondent

STATE OF INDIANA)
COUNTY OF Clay) SS:

Before me a Notary Public for Clay County, State of Indiana,
personally appeared Jacqueline J. Mitchell, and being first duly sworn by me upon his oath, says
that the facts alleged in the foregoing instrument are true.

Signed and sealed this 14 day of December, 2018.



Michelle Vinzant
Signature

Michelle Vinzant
Printed

My Commission expires: 1/21/24

County of Residence: Clay